



**US Army Corps  
of Engineers**

Omaha District

# **PUBLIC NOTICE**

**Application No: 2004-90-608**

**Applicant: SICO Montana**

**Waterway: Unnamed tributaries to Jackson Creek and wetlands**

**Issue Date: February 16, 2005**

**Expiration Date: March 9, 2005**

**21 DAY NOTICE**

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**Helena Regulatory Office**

**10 West 15<sup>th</sup> Street, Suite 2200**

**Helena, Montana 59626**

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**JOINT PUBLIC NOTICE  
FOR PERMIT APPLICATION SUBMITTED TO  
U.S. ARMY CORPS OF ENGINEERS  
AND  
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

The application of SICO Montana, for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Corps of Engineers, Omaha, Nebraska. **The project described herein is not being proposed by the Corps, but by the applicant; the Corps will evaluate the proposed work to determine if it is permissible under current laws and regulations.**

**Description of Proposed Project:** The applicant requests permission to place fill material in unnamed tributaries and wetlands associated with an 11-lot residential subdivision east of Bozeman, called the Green Mountain and Stublar Road projects. The property encompasses 1700 acres. Each lot will be approximately 160 acres in size. A total of 5.3 acres of wetlands were delineated on the property. Approximately .82 acre of wetland will be filled to construct roads, and place utilities within the Green Mountain subdivision. In addition to the construction within the subdivision, approximately 1.5 miles of Stublar Road will be reconstructed, which will connect this development with another SICO Montana project, previously authorized under Nationwide Permit 39, File Number 2003-90-117. The Stublar Road impacts are included in the .82 acre total impacts for the project. Please refer to the background information below. Drawings showing the location and extent of the project are attached to this notice.

**Location:** The proposed activity is located in Sections 3, 4, 8, 9 and 10, Township 2 South, Range 7 East, Gallatin County, Montana, approximately 11 miles east of Bozeman.

**Purpose:** The purpose of the proposed project is residential development.

**Background:** A Nationwide Permit (39, Residential Development) was issued to SICO Montana on December 29, 2003, (Corps File No. 2003-90-117) authorizing .3 acre of wetland loss at the Jackson Creek Subdivision, which is located in Section 11, Township 2 South, Range 7 East in Gallatin County, approximately one mile east of the Green Mountain Project. Mitigation for those impacts will involve the construction of .45 acre of similar wetlands on the property. The applicant proposes to create wetlands to offset the losses associated with both the Green Mountain and Jackson Creek projects, at the same location at the Jackson Creek Subdivision. A total of 1.8 acre of wetland will be created to offset the losses of 1.2 acre for both the Jackson Creek and Green Mountain projects. The created wetlands will be located adjacent to an unnamed tributary to Jackson Creek, and will provide similar functions as those being impacted. Targeted functions include wildlife habitat, sediment / shoreline stabilization, production export / food chain support, and groundwater discharge / recharge. A wetland delineation and functional assessment

was prepared for both projects. These documents, along with the mitigation plan, can be viewed at the Helena Regulatory Office, by making an appointment at least 24 hours in advance.

**401 Water Quality Certification:** The Montana Department of Environmental Quality, 1520 East 6th Avenue, PO Box 200901, Helena, Montana 59620-0901, will review the proposed project with the intent to certify in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards. The Montana Department of Environmental Quality hereby incorporates this public notice as its own public notice and procedures by reference thereto.

**Cultural Resources:** The Corps of Engineers, Omaha District will comply with the National Historic Preservation Act of 1966, as amended. We have checked the National Register of Historic Places and its current supplements, and there are no known National Register sites in the vicinity; however, we will evaluate input by the State Historic Preservation Office and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the permit area to check for unknown historic or prehistoric properties, if warranted.

**Threatened / Endangered Species:** In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered, or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

**Evaluation Factors:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of work on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R.; Part 230).

**Comments:** The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. All public notice comments will be considered public information and will be subject to review by the applicant.

Any person may request, in writing and within the comment period specified in this notice, that a public hearing be held for the purpose of gathering additional information. Requests for public hearings must be identified as such and shall state specifically the reasons for holding a public hearing and what additional information would be obtained. The request must be submitted to the U.S. Army Corps of Engineers, 10

West 15th Street, Suite 2200, Helena, Montana 59626. If it is decided that additional information is required and that a public hearing should be held, interested parties will be notified of the date, time and location.

Any interested party (particularly officials of any town, city, county, state, or Federal agency; Indian tribe; or local association whose interests may be affected by the work) is invited to submit to this office written facts, arguments, or objections on or before the expiration date listed on the front of this notice. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this application. All replies to the public notice should be addressed to the **U.S. Army Corps of Engineers, 10 West 15th Street, Suite 2200, Helena, Montana 59626. Please reference the Application Number found on the first page of this notice in any correspondence.** Jean Ramer (project manager), telephone number (406) 441-1375, may be contacted for additional information. You may also fax your comments to (406) 441-1380, or email to: **Jean.L.Ramer@usace.army.mil**

Comments postmarked after the expiration date of this public notice will not be considered. Comments left on our voicemail system will not be considered.

**Statutory Authorities:** A permit, if issued, will be under the provisions of Section 404 of the Clean Water Act.